

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 583 – SB 1265

April 1, 2015

SUMMARY OF ORIGINAL BILL: Prohibits a defendant from waiving a preliminary hearing unless the State consents.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (005713): Deletes all language after the enacting clause.

Prohibits a preliminary hearing from being waived by a defendant if the State makes a timely objection for good cause shown.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Rule 5 of the Tennessee Rules of Criminal Procedure authorizes a defendant to waive a preliminary hearing in misdemeanor or felony cases and be immediately bound over to the grand jury.
- Under the rules, the State's consent is not necessary to waive a preliminary hearing. The State's consent is necessary to waive grand jury proceedings and trials by jury.
- The bill prohibits a preliminary hearing from being waived by a defendant if the State makes a timely objection for good cause shown.
- The District Attorneys General Conference and the District Public Defenders Conference confirm that the bill will not significantly impact their operations.
- The Administrative Office of the Courts confirms that the bill will not significantly impact their caseload.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

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A handwritten signature in dark ink, reading "Jeffrey L. Spalding". The signature is fluid and cursive, with the first name "Jeffrey" and last name "Spalding" clearly legible.

Jeffrey L. Spalding, Executive Director

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